

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

THELMA WHITE, et al.,

Plaintiffs,

v.

14051 MANCHESTER, INC. d/b/a  
HOTSHOTS SPORTS BAR & GRILL, et al.,

Defendants.

Case No. 4:12CV469 JAR

**MEMORANDUM AND ORDER**

This matter is before the Court on Defendants' Motion to Strike Plaintiffs' Reply Memorandum in Support of Their Combined Motion to Strike Affidavits and Memorandum in Support Thereof ("Motion"; ECF No. 192). In that Motion, Defendants assert that Plaintiffs' Reply Memorandum in Support of Their Combined Motion to Strike Affidavits and Memorandum in Support Thereof ("Reply"; ECF No. 191) was not provided for under the Case Management Order and was untimely. Plaintiffs have filed an opposition to Defendants' Motion. (ECF No. 194).

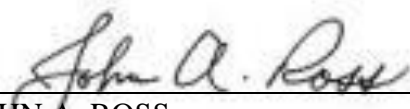
The Court finds that Plaintiffs' Reply was not untimely under the Federal Rules. See Fed.R.Civ.P. 6(a)(1)(C), 6(d). To the extent that Defendants assert that Plaintiffs' Reply was not provided for under the CMO, the Court will allow Defendants to file a sur-response to address any issues raised in Plaintiffs' Reply. Defendants must include any arguments they want the Court to consider in their sur-response.

Accordingly,

**IT IS HEREBY ORDERED** that Defendants' Motion to Strike Plaintiffs' Reply Memorandum in Support of Their Combined Motion to Strike Affidavits and Memorandum in Support Thereof [192] is **DENIED**.

**IT IS FURTHER ORDERED** that Defendants shall have until **Monday, November 25, 2013** to file a sur-response.

Dated this 19<sup>th</sup> day of November, 2013.

  
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JOHN A. ROSS  
UNITED STATES DISTRICT JUDGE